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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/817,801

Filing Date: March 26, 2001

Appellant(s): NOVAK ET AL.

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**Robert G. Hartman**  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10-22-2007 appealing from the Office action  
mailed 10-23-2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct. A minor error for a ground of rejection in heading of argument on page 62, "Van Zoest" should be "England".

### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

### **(8) Evidence Relied Upon**

<b>6,248,946</b>	<b>Dwek, Norman Scott</b>	<b>6-2001</b>
<b>6,760,721</b>	<b>Chasen et al.</b>	<b>7-2004</b>
<b>6,223,224</b>	<b>Bodin, William Kress</b>	<b>4-2001</b>
<b>6,496,802</b>	<b>van Zoest et al.</b>	<b>12-2002</b>
<b>6,330,670</b>	<b>England et al.</b>	<b>12-2001</b>

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims **1 - 65** are presented for examination and Independent claims are **1, 8, 9, 12, 19, 25, 28, 31, 32, 39, 45, 50, 51, 55, 56, 61, and 63**. These rejections are set forth in prior Office Action, Paper No. 09/817,801\20061014 and reproduced for convenience.

1. Claims 1-16, 18-22, 24-39 and 41-65 are pending. Claims 12, 19, 39, 41 - 44 were amended. Claims 17, 23, 40, 66 - 68 were canceled. Independent Claims are **1, 8, 9, 12, 19, 25, 28, 31, 32, 39, 45, 50, 51, 55, 56, 61, and 63**. No claim is amended with this action.

### **Claim Rejections - 35 USC § 103**

2. **Claims 1 - 4, 8 - 10, 12, 15, 16, 18, 19, 21, 22, 24, 25, 26, 28 - 33, 35 - 39, 42, 44 - 47, 49 - 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dwek** (US Patent No. 6,248,946) in view of **Chasen** (US Patent No. 6,760,721) and further in view of **Bodin** (US Patent No. 6,223,224).

Regarding **Claims 1, 8, 9, 18**, Dwek discloses a method of providing a user experience when playing media on a media player comprising:

- b) playing the media content with a media player; (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media content (i.e. song) file),
- c) automatically displaying the user interface when the media content is played with the media player. (see Dwek col. 11, line 66 - col. 12, line 4: skin capability for media content user interface)
- a) downloading a file that contains at least one media-specific file configured to provide a user interface, and media content with which the user interface is associated; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) at same time; col. 11, line 66 - col. 12, line 4: skin capability for media content user interface) In addition, Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing) Chasen

discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed. And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of media specific metadata information on a user system for media processing as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14: "*... need for detailed information about the digital data as well as techniques for managing and controlling this detailed information ...*"; col. 1, lines 21-23: "*... keeping track of various audio files as well as the immense amount of metadata for each audio file can be a difficult task ...*"; col. 1, lines 31-34: "*... conventional approaches fail to provide users with control over the metadata such as the ability to make changes to a piece of metadata or a set of metadata ...*"), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25: "*... increase the productivity of users in an Internet environment ... need exists to substantially speed up delivery of*

*information ... "; col. 2, lines 16-19: "... provide a mechanism for downloading multiple related files from a server to a client, by dynamically combining the files on the server, and passing them in a single download event ... ".*

**Regarding Claims 2, 3**, Dwek discloses the method of claim 1, wherein the automatically displaying comprises displaying the user interface as part of or comprising the media player. (see Dwek col. 5, lines 34-40; col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: a user interface on a portion of media player, multiple panes (i.e. resizable windows) which can be displayed or hidden via a "click", media player occupies at least a portion of the PC display screen)

**Regarding Claim 4**, Dwek discloses the method of claim 1, wherein the at least one media-specific file comprises multiple files including a definition file that defines how other associated files are to be used, and art files containing images that are associated with the user interface. (see Dwek col. 8, lines 34-40: metadata files, contextual information about the media content)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of media specific metadata information on a user system for media processing as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player

(see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claims 10, 53,** Dwek discloses the media player of claims 9, 51, wherein the software code is configured to automatically display the user interface to comprise the entire media player user interface. (see Dwek col. 5, lines 34-40; col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: a user interface on a portion of media player, multiple panes (i.e. windows) can be displayed or hidden via a "click")

**Regarding Claim 12,** Dwek discloses a method of organizing media content comprising:

- a) providing at least one media-specific file that is configured to provide a user interface on at least a portion of a media player; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) at same time; col. 11, line 66 - col. 12, line 4: skin capability for media content user interface)
- b) providing at least one media content file configured for play on the media player; (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media content (i.e. song) file),
- c) associating the one media-specific file with the one media content file such that any time the one media content file is played on the media player, the one

media-specific file is processed to automatically display the user interface on at least a portion of the media player. (see Dwek col. 11, line 66 - col. 12, line 4: skin capability for media content user interface)

d) wherein the associating comprises packaging the one media-specific file and the one media content file in a single downloadable file.

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing)

Chasen discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed. And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of media specific metadata information on a user system for media processing as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between

networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claims 15, 21, 49,** Dwek discloses the method of claims 12, 19, 45, wherein the one media content file comprises at least one song file. (see Dwek col. 4, lines 26-30: song file server, media content downloaded consists of song files)

**Regarding Claims 16, 22,** Dwek discloses the method of claims 12, 19, wherein the one media content file comprises multiple song files. (see Dwek col. 4, lines 26-30: song file server, media content downloaded consists of song files ; see col. 7, lines 17-20: playlist capability enables multiple song files downloaded for playback)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claim 19,** Dwek discloses a method of organizing media content comprising:

- a) providing at least one media-specific file that is configured to provide a media player user interface; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) at same time; col. 11, line 66 - col. 12, line 4: skin capability for media content user interface).

- b) providing at least one media content file configured for play on a media player;  
(see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24:  
streamed delivery of media content (i.e. song) file)
- c) associating the one media specific file with the one media content file such that  
any time the one media content file is played on the media player, the one  
media-specific file is processed to automatically display the media player user  
interface. (see Dwek col. 11, line 66 - col. 12, line 4: skin capability for media  
content user interface)
- d) wherein the associating comprises the one media-specific file and the one media  
content file in a single downloadable file.

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing) Chasen discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed. And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of metadata information on a user's system for manipulation within media specific information as taught by Chasen,

and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claim 24**, Dwek discloses a method of organizing media content comprising:

- a) providing at least one media-specific file that is configured to provide a media player user interface; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) at same time; col. 11, line 66 - col. 12, line 4: skin capability for media content user interface).
- b) providing at least one media content file configured for play on a media player; (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media content (i.e. song) file)
- c) associating the one media-specific file with the one media content file such that any time the one media content file is played on the media player, the one media-specific file is processed to automatically display the media player user interface. (see Dwek col. 11, line 66 - col. 12, line 4: skin capability for media content user interface)

**Regarding Claim 25**, Bodin discloses a method of organizing content for a user experience comprising:

- a) providing multiple different files that define different aspects of a media player user interface, at least some files being associated with media content and at least some other files being associated with visual content; (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)
- b) organizing the files for sending over a network to a client computer, the organizing using a hierarchical tagbased structure to establish a relationship between the files such that when the media content is played by a media player, the visual content is automatically displayed as at least part of the media player user interface. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems. (see Bodin col. 1, lines 22-25; col. 2, lines 16-19)

**Regarding Claim 26**, Dwek discloses the method of claim 25, wherein when the media content is played by a media player, the visual content is automatically displayed to

comprise an entire media player user interface. (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)

**Regarding Claim 28, 31,** Dwek discloses a method of accessing media content comprising:

- a) displaying a link to media content; (see Dwek col. 6, lines 53-62: search user interface pane enables link (i.e. click) access to media)
- c) playing the media content on a media player; (see Dwek col. 5, lines 25-33: media content (i.e. song) played on media player (i.e. user interface))
- d) responsive to the playing, automatically displaying the portion of the media player user interface. (see Dwek col. 5, lines 34-40; col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: a user interface on a portion of media player, multiple panes (i.e. windows) can be displayed or hidden via a "click")
- b) responsive to a user clicking on the link, automatically downloading a file that contains at least one media content file and at least one file that is configured to provide at least a portion of a media player user interface that is specific to media content associated with the one media content file; (see Dwek col. 6, lines 53-62: downloaded after user selected a media content file)

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing) Chasen discloses wherein the capability to manipulate media

specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed. And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of metadata information on a user's system for manipulation within media specific information as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claim 29**, Dwek discloses the method of claim 28, wherein the portion comprises an entire media player user interface. (see Dwek col. 5, lines 34-40; col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: a user interface on a portion of media player, multiple panes (i.e. windows) can be displayed or hidden via a "click")

**Regarding Claim 30**, Dwek discloses the method of claim 28, wherein the

automatically displaying comprises automatically flipping from a nonmedia player user interface to a media player user interface. (a user interface on a portion of media player. (see Dwek col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click")

**Regarding Claim 32**, Dwek discloses a media delivery mechanism comprising:

- b) one or more media content files associated with content that can be played on a media player; (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded))
- c) one or more content specific files that can be processed to provide a content specific user interface associated with content that is played on the media player; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)
- d) a relationship between the one or more media content files and the one or more content specific files such that a content specific user interface is displayed on a computer when the content associated with the one or more media content files is played on the media player. (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) at same time; col. 11, line 66 - col. 12, line 4: skin capability for user interface)

a) Bodin discloses a single file. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems. (see Bodin col. 1, lines 22-25; col. 2, lines 16-19)

**Regarding Claim 33**, Dwek discloses the media delivery mechanism of claim 32, wherein the relationship is established by a metafile that comprises part of the single file. (see Dwek col. 8, lines 34-40; col. 15, lines 14-18: metadata (i.e. specific information concerning media content) within information user interface pane downloaded with media content ; col. 17, line 64 - col. 18, line 6: specific contextual information (i.e. metadata) related to media content displayed within media player (i.e. user interface)

**Regarding Claim 35**, Dwek discloses the media delivery mechanism of claim 32, wherein the content specific user interface comprises only a portion of a media player user interface. (see Dwek col. 6, lines 53-62: media player (i.e. user interface) initiated when media content (i.e. song) file played ; col. 5, line 63 - col. 6, line 6: multiple panes which can be displayed or hidden via a user click)

**Regarding Claim 36**, Dwek discloses the method of claim 32, wherein the portion comprises an entire media player user interface. (see Dwek col. 5, lines 34-40; col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: a user interface on a portion of media player, multiple panes (i.e. windows) can be displayed or hidden via a "click")

**Regarding Claim 37**, Dwek discloses the media delivery mechanism of claim 32, wherein the relationship causes the same content specific user interface to be displayed for multiple media content files. (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)

**Regarding Claim 38**, Dwek discloses the method of claim 32, wherein the one media content file comprises multiple song files. (see Dwek col. 4, lines 26-30: song file server, media content downloaded consists of song files ; see col. 7, lines 17-20: playlist capability enables multiple song files downloaded for playback)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems. (see Bodin col. 1, lines 22-25; col. 2, lines 16-19)

Regarding Claim 39, Dwek discloses a method of providing a media delivery mechanism comprising:

- a) providing one or more media-specific files, the files being configured to provide at least a portion of a media player user interface, the portion being associated with specific media that can be played on a media player; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)
- b) providing one or more media content files associated with media that can be played on a media player embodying the media player user interface, the media content files comprising the specific media with which the media player user interface portion is associated; (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded))

Dwek, Chasen, Bodin disclose:

- c) defining one or more metafiles that associate the one or more media-specific files with the one or more media content files, the one or more metafiles being configured for processing such that when the media player plays media associated with a media content file, the media player automatically renders the media player user interface portion. (see Dwek col. 8, lines 34-40; col. 15, lines 14-18: metadata (i.e. specific information concerning media content) within information user interface pane downloaded with media content ; col. 17, line 64

- col. 18, line 6: specific contextual information (i.e. metadata) related to media content displayed within media player (i.e. user interface))

d) associating the one or more media-specific files, the one or more media content files, and the one or more metafiles in a single downloadable file.

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62; hard disk drive media file processing)

Chasen discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12; local hard disk media specific files (i.e. metadata) processed.

And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39; capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of metadata information on a user's system for manipulation within media specific information as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claim 42**, Bodin discloses the method of claim 39 further comprising uploading the single downloadable file to a Web site. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems. (see Bodin col. 1, lines 22-25; col. 2, lines 16-19)

**Regarding Claim 44**, Dwek discloses the method of claim 39, wherein the providing of the one or more media-specific files comprises providing one or more media-specific files that are configured to provide an entire media player user interface. (see Dwek col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click" media player occupies at least a portion or the entire PC display screen, media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows))

**Regarding Claim 45**, Dwek discloses a method of providing media content over a network comprising: receiving input requesting that a file be sent to a client computer, the file comprising:

- a) one or more media content files associated with content that can be played on a media player on the client computer, (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded))
- b) one or more media-specific files that can be processed to provide a content specific user interface, (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) ; col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)
- c) one or more metafiles that establish a relationship between the one or more media content files and the one or more media specific files such that a content specific user interface is displayed when the content is played on the media player; and sending the requested file to the client computer. (see Dwek col. 8, lines 34-40; col. 15, lines 14-18: metadata (i.e. specific information concerning media content) within information user interface pane downloaded with media content ; col. 17, line 64 - col. 18, line 6: specific contextual information (i.e. metadata) related to media content displayed within media player (i.e. user interface))

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing) Chasen discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed.

And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of metadata information on a user's system for manipulation within media specific information as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claim 46**, Dwek discloses the method of claim 45, wherein the content specific user interface comprises only a portion of a media player user interface. (see Dwek col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click" media player occupies at least a portion or the entire PC display screen, media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows))

**Regarding Claim 47**, Dwek discloses the method of claim 45, wherein the content

specific user interface comprises an entire media player user interface. (see Dwek col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click" media player occupies at least a portion or the entire PC display screen, media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows))

**Regarding Claim 50**, Dwek discloses a server computer comprising:

- a) at least one computer-readable media; (see Dwek col. 7, lines 59-62: compact disk or hard disk media)
- b) computer-readable instructions resident on the computer-readable media which, when executed by the server, cause the server to:
  - maintain multiple files, each file comprising:
    - i) one or more media content files associated with content that can be played on a media player on the client computer, (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded))
    - ii) one or more media-specific files that can be processed to provide content specific user interface; (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)
    - iii) one or more metafiles that establish a relationship between the one or more media content files and the one or more media specific files such that a content

specific user interface is displayed when the content is played on the media player; (see Dwek col. 8, lines 34-40; col. 15, lines 14-18: metadata (i.e. specific information concerning media content) within information user interface pane downloaded with media content ; col. 17, line 64 - col. 18, line 6: specific contextual information (i.e. metadata) related to media content displayed within media player (i.e. user interface))

Bodin discloses:

iv) wherein to receive input requesting that one or more of the multiple files be sent to a client computer; and send the one or more requested files to the client computer. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combine multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems. (see Bodin col. 1, lines 22-25; col. 2, lines 16-19)

**Regarding Claims 51, 54, 55,** Dwek discloses a method for playing media content on a media player comprising: receiving a file with a client computer, the file comprising:

- a) one or more media content files associated with content that can be rendered on a media player on the client computer, at least one media-specific file that can be processed to provide a content specific user interface, and at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content specific user interface is provided when the content associated with the content files is played on the media player; (see Dwek col. 5, lines 21-24)
- b) playing content associated with the content files on the media player embodied on the client computer; (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded))
- c) while playing the content on the media player, displaying the content specific user interface. (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing) Chasen discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed. And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2,

lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of metadata information on a user's system for manipulation within media specific information as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding claim 52**, Dwek discloses the method of claim 51, wherein the content specific user interface comprises only a portion of a media player user interface. (see Dwek col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click" media player occupies at least a portion or the entire PC display screen, media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows))

**Regarding Claims 56, 60, 61, 63, 65**, Dwek discloses a method for processing media content comprising: receiving a file with a client computer, the file comprising:

- a) one or more media content files associated with content that can be rendered on a media player on the client computer, (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded))
- b) at least one media-specific file that can be processed to provide a content specific user interface (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface), and
- c) at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content specific user interface is provided when the content associated with the content files. is played on the media player; (see Dwek col. 8, lines 34-40; col. 15, lines 14-18: metadata (i.e. specific information concerning media content) within information user interface pane downloaded with media content ; col. 17, line 64 - col. 18, line 6: specific contextual information (i.e. metadata) related to media content displayed within media player (i.e. user interface))
- d) automatically organizing the received files in one or more directories on a client computer hard drive without any intervention from a user, the files being organized in a manner that permits audio and visual content to be played on a media player without any intervention from the user. (see Dwek col. 7, lines 51-62: media type files organized and stored on hard disk for playback by media player)

Dwek discloses the processing of media information on a computer system's hard drive. (see Dwek col. 7, lines 59-62: hard disk drive media file processing) Chasen discloses wherein the capability to manipulate media specific file (i.e. metadata). (see Chasen col. 1, lines 65 - col. 2, line 7; col. 3, lines 43-45; col. 17, lines 3-12: local hard disk media specific files (i.e. metadata) processed. And, Bodin discloses the capability to combine multiple media specific files into a single downloadable file to a user system. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the usage of metadata information on a user's system for manipulation within media specific information as taught by Chasen, and to enable the download of multiple files within a single download event as taught by Bodin. One of ordinary skill in the art would be motivated to employ Chasen in order to optimize and efficiently manage media associated metadata information utilized by a media player (see Chasen col. 1, lines 11-14 ; col. 1, lines 21-23 ; col. 1, lines 31-34), and to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25 ; col. 2, lines 16-19).

**Regarding Claim 57**, Dwek discloses the method of claim 56 further comprising automatically playing audio content on the media player, and while playing the audio content and responsive thereto, automatically displaying the content specific user

interface. (see Dwek col. 6, lines 53-62; col. 7, lines 5-9: after user selection (i.e. click) file downloaded and playback initiated)

**Regarding Claim 58**, Dwek discloses the method of claim 56 further comprising automatically playing audio content on the media player, and. while playing the audio content and responsive thereto, automatically displaying the content specific user interface to comprise only a portion of a media player user interface associated with the media player. (see Dwek col. 6, lines 53-62: media player (i.e. user interface) initiated when media content (i.e. song) file played; col. 5, line 63 - col. 6, line 6: multiple panes (i.e. resizable application windows) which can be displayed or hidden via a user click)

**Regarding Claim 59**, Dwek discloses the method of claim 56 further comprising automatically playing audio content on the media player, and while playing the audio content and responsive thereto, automatically displaying the content specific user interface to comprise an entire media player user interface associated with the media player. (see Dwek col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click" media player occupies at least a portion or the entire PC display screen, media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows))

**Regarding Claim 62**, Dwek discloses the media player of claim 61, wherein the software code further causes the media player to automatically play audio content, and

while playing the audio content and responsive thereto, automatically display the content specific user interface. (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)

**Regarding Claim 64**, Dwek discloses the method of claim 63, wherein the displaying comprises doing so without any intervention from a user. (see col. 6, lines 53-66: automatic playback of selected media content)

3. **Claims 5, 6, 14, 20, 27, 34, 43, 48**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dwek-Chasen-Bodin** in view of **van Zoest** (US Patent No. 6,496,802)

**Regarding claim 5**, Dwek discloses a media playback system using network communications for the download of media content for playback and display. (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded)) Dwek does not disclose using script technology to manage media processing within an Internet browser. However, Van Zoest discloses the method of claim 4, wherein the at least one media-specific file comprises least one script file for scripting. (see van Zoest col. 4, lines 33-39: *"In a preferred embodiment, the retailer API communicates with the User Interface Server 120 or the Verification Server 141 via*

*HTTP.*" Scripting languages such as Perl are used to build API interfaces for processing software.)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with script file as taught in van Zoest. One would have been motivated to adapt the script file in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 48-50: *"HTTP is the set of rules for exchanging files (text, graphic images, sound, video and other multimedia files) on the Internet."* )

**Regarding claim 6**, Van Zoest discloses the method of claim 4, wherein the at least one media-specific file comprises least one script file that provides a capability for the user interface to respond to events. (see van Zoest col. 4, lines 33-39: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with script file as taught in van Zoest. One would have been motivated to adapt the script file in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 48-50)

**Regarding claim 14**, Dwek discloses a media playback system using network communications for the download of media content for playback and display. (see Dwek col. 5, lines 25-33) Dwek does not disclose the usage of the XML language for the playback and display of media content on a client browser. However, Van Zoest

discloses the method of claim 12, wherein the usage of XML language for the playback and display of media content on a client browser the associating comprises establishing a relationship between the one media-specific file and the one media content file using an XML data structure. (see van Zoest col. 5, lines 1-6: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with the usage of XML as taught in van Zoest. One would have been motivated to employ the XML in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 45-55) XML is an Extensible Markup Language based on the HTML language and extends the capabilities of the HTML language.

**Regarding claim 20**, Van Zoest discloses the method of claim 19, wherein the associating comprises establishing a relationship between the one media-specific file and the one media content file using an XML data structure. (see van Zoest col. 5, lines 1-6: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with the usage of XML as taught in van Zoest. One would have been motivated to employ the XML in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 45-55) XML is an Extensible Markup Language based on the HTML language and extends the capabilities of the HTML language.

**Regarding claim 27**, Van Zoest discloses the method of claim 25, wherein the organizing comprises using a hierarchical tagbased structure comprising an XML data structure. (see van Zoest col. 5, lines 1-6: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with the usage of XML as taught in van Zoest. One would have been motivated to employ the XML in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 45-55) XML is an Extensible Markup Language based on the HTML language and extends the capabilities of the HTML language.

**Regarding claim 34**, Van Zoest discloses the media delivery mechanism of claim 33, wherein the metafile comprises an XML data structure that establishes the relationship. (see van Zoest col. 5, lines 1-6: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with the usage of XML as taught in van Zoest. One would have been motivated to employ the XML in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 45-55) XML is an Extensible Markup Language based on the HTML language and extends the capabilities of the HTML language.

**Regarding claim 43**, Van Zoest discloses the method of claim 39, wherein the one or

more. metafiles associate the files using an XML data structure. (see van Zoest col. 5, lines 1-6: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with the usage of XML as taught in van Zoest. One would have been motivated to employ the XML in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 45-55) XML is an Extensible Markup Language based on the HTML language and extends the capabilities of the HTML language.

**Regarding claim 48**, Van Zoest discloses the method of claim 45, wherein the one or more metafiles comprise at least one XML data structure that establishes the relationship. (see van Zoest col. 5, lines 1-6: tag based scripting language utilized)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with the usage of XML as taught in van Zoest. One would have been motivated to employ the XML in van Zoest in order to achieve the extended capabilities of Internet based browsing. (see van Zoest col. 3, lines 45-55) XML is an Extensible Markup Language based on the HTML language and extends the capabilities of the HTML language.

4. **Claims 7, 11, 13, 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dwek-Chasen-Bodin** and further in view of **England** (US Patent No. 6,330,670).

**Regarding claim 7**, Dwek discloses a media playback system using network communications for the download of media content for playback and display. Dwek prior art discloses one or more media content (i.e. song) files downloaded for playback. (see Dwek col. 8, lines 2-7: *stream (i.e. download) file*; col. 5, lines 21-24: *streamed delivery of media (i.e. song) file* ; col. 7, lines 5-9: *playlist option (i.e. multiple media content files downloaded)*) Dwek does not disclose using digital rights management technology to manage accessing media. However, England discloses the method of claim 1 further comprising prior to the playing, using a digital rights management technique to access one or more of the downloaded file, media-specific file, and media content. (see England col. 4, lines 30-34; col. 8, lines 56-60: digital rights management for media content)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with digital rights management technology as taught in England. One would have been motivated to combine England with Dwek to achieve the extended capabilities to protect the security of media content. (see England col. 2, lines 11-17: *"Content providers and the computer industry must quickly provide technologies and protocols for ensuring that digital content is properly handled in accordance with the rights granted by the publisher. If measures are not taken, traditional content providers may be put out of business by widespread theft, or, more likely, will refuse altogether to deliver content online."* ; col. 3, lines 57-61: *"Therefore, there is a need in the art for a digital rights management operating system that protects the rights of the content provider while operating on a general-purpose personal*

*computer without requiring additional hardware directed at securing downloaded content.")*

**Regarding claim 11**, England discloses the media player of claim 9, wherein the software code is configured to use a digital rights management technique to access one or more of the downloaded file, media-specific file, and media content prior to playing the media content. (see England col. 4, lines 30-34; col. 8, lines 56-60: digital rights management for media content)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with digital rights management technology as taught in England. One would have been motivated to combine England with Dwek to achieve the extended capabilities to protect the security of media content. (see England col. 2, lines 11-17; col. 3, lines 57-61)

**Regarding claim 13**, England discloses the method of claim 12 further comprising protecting at least one of the media-specific file and the media content file using a digital rights management technique. (see England col. 4, lines 30-34; col. 8, lines 56-60: digital rights management for media content)

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Dwek with digital rights management technology as taught in England. One would have been motivated to combine England with Dwek to achieve the extended capabilities to protect the security of media content. (see England

col. 2, lines 11-17; col. 3, lines 57-61)

**Regarding claim 41**, Bodin discloses the method of claim 39, a single downloadable file (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combine multiple related data (i.e. media-specific, media content, metafiles) files into a single download event, and England discloses protecting one or more of the media-specific files, media content files, metafiles using one or more digital rights management technique. (see England col. 4, lines 30-34; col. 8, lines 56-60: digital rights management for media content)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dwek to enable the download of multiple files within a single download event as taught by Bodin, and to enable digital rights management technology as taught in England. One of ordinary skill in the art would be motivated to employ Bodin in order to optimize download delivery times for the transfer of files between networked systems (see Bodin col. 1, lines 22-25; col. 2, lines 16-19), and to employ England to achieve the extended capabilities to protect the security of media content. (see England col. 2, lines 11-17; col. 3, lines 57-61)

#### **(10) Response to Argument**

- A. Claims 1-4, 8-10, 12, 15, 16, 18, 19, 2t, 22, 24-26, 28-33, 35-39, 42, 44-47 and 49-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,248,946 to Dwek (hereinafter "Dwek") in view of U.S. Patent No. 6,223,224 to

Bodin et al. (hereinafter "Bodin") and U.S. Patent No. 6,760,721 to Chasen et al. (hereinafter "Chasen").

B. Claims 5, 6, 14, 20, 27, 34, 43 and 48 stand rejected under 35 U.S.C. §103(a) over Dwek in view of Bodin, Chasen and U.S. Patent No. 6,496,802 to Van Zoest et al.

(hereinafter "Van Zoest").

C. Claims 7, 11, 13 and 41 stand rejected under 35 U.S.C. §103 (a) over Dwek in view of Bodin, Chasen and U.S. Patent No. 6,330,670 to England et al. (hereinafter "England").

**Argument 1:**

Applicant argues, "*Examples of Improper Rejection under 35 U.S.C. 103*". (see *Appeal Remarks Pages 14-17*)

This particular documentation cited by the applicant is directed to business method inventions only, which is not the category of applicant's invention. This guidance is not part of the MPEP documentation for patent application examining. The MPEP is the only official guide for patent examining procedures. The designation of this particular USPTO document, which is directed towards business method patent applications and has no bearing on other types of patents. The advantage of achieving efficiency is a valid result and motivation for the combination of prior art.

Applicant's Claimed Invention:

Applicant's principal function of the claimed invention is the combination of multiple types of media files into a single downloadable file for transfer between network-connected systems. The Dwek prior art discloses the media type specific files, and the Bodin prior art discloses the concatenation of multiple files into a single downloadable file. The remaining referenced prior art (Chasen, Van Zoest, and England) discloses additional functions based in dependent claims.

**Argument A.1:**

**Claim 1** recites a method of providing a user experience when playing media on a media player comprising:

- downloading a file that contains at least one media-specific file configured to provide a user interface, and media content with which the user interface is associated;
- playing the media content with a media player; and
- automatically displaying the user interface when the media content is played with the media player.

(see **Appeal Remarks Pages 17-18**)

**As to Argument A.1:**

First, Applicant argues the referenced prior art does not disclose, "downloading a file that contains at least one media-specific file configured to provide a user interface, and media content with which the user interface is associated". (see Appeal Remarks Pages 17-23 and additional pages)

The Dwek prior art discloses one or more media content (i.e. song) files downloaded for playback. (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded)) The limitations for these claims disclose

a file downloaded from a server to a client. The storage mechanism for media (i.e. song) information within the server system is as a file (i.e. a media song file). No indication is designated for file download protocol; therefore, a streaming format is an analogous and valid format for file download. Playback of the media (i.e. song) file displays (i.e. provides) a user interface.

The Dwek prior art discloses at least one media-specific file configured to provide media associated with or has a relationship to the media content (i.e. metadata) user interface (i.e. media player, personalized "skin" capabilities). (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66- col. 12, line 4: skin capability for media content associated user interface) The downloaded information contains media content (i.e. song) and metadata, which is context, information for the media content (i.e. song) information. The limitations for these claims disclose a file downloaded from a server to a client. The storage mechanism for media (i.e. song) information within the server system is as a file (i.e. a media song file). No indication is designated for file download protocol; therefore, a streaming format is an analogous and valid format for file download.

Second, Applicant argues that the referenced prior art does not disclose, "a file that contains at least one media-specific file configured to provide a user interface, and media content with which the user interface is associated". (see Appeal Remarks Pages 17-23 and additional pages)

Dwek prior art discloses at least one media-specific file configured to provide a user interface (i.e. media player, personalized "skin" capabilities), (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded) at same time; col. 11, line 66 - col. 12, line 4: "... The features pane includes a "skins" button to allow a user to create, or select a precreated, "skin" or custom appearance template for the user interface 250 of the music player 120. By changing skins, a user can customize the size, shape, color, or other appearance features of the panes, handles, and buttons of the user interface 250 ... "skin capability for media content user interface), and song files. (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21- 24: streamed delivery of media content (i.e. song) file; col. 5, line 63 - col. 6, line 6; col. 12, lines 40-53: multiple panes (i.e. windows) can be displayed or hidden via a "click')

In the reference, the media player (i.e. user interface) operates as an application on a Personal Computer (PC), such that the media player occupies at least a portion of the PC display screen. The media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows) constituting the media player user interface.

Third, applicant argues that Bodin neither discloses nor suggests "a file that contains at least one media-specific file configured to provide a user interface, and media content with which the user interface is associated". (see Appeal Remarks Pages 17-23 and additional pages)

Bodin prior art discloses media files processed from a disk storage device utilizing media player (i.e. user interface). Bodin in view of Dwek discloses client and server components capable of collect, organize, and build a set of multiple linked files for concatenation into one downloadable file. Download concatenated file to client for storage. Extract files from concatenated file and placement on disk for media playback. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

Fourth, the Office's stated motivation "to optimize", like the motivation "to improve efficiency" (provided in the Office's own example above), is too general", and "does not address why this specific proposed modification would have been obvious. (see Appeal Remarks Pages 17-23 and additional pages)

The transfer of multiple files between network connected systems would be more efficient if the transfer was completed as one long sustained continuous data transfer for a single large file as opposed to multiple short burst data transfers for multiple shorter files. The initiation and termination of the data transfer for the file would only be completed once for the single large file as opposed to multiple times for the data transfer of the multiple shorter files. This would be a reduction in data transfer time. The completion of a single file download would be more efficient than the completion of the download of multiple files. This fact would be obvious to anyone skilled in the art. The combination of Dwek and Bodin would achieve an obvious advantage by the combination.

In summary, the principal functions for the claimed invention follows:

1. Download one or more media content files for playback on a media player. (Claims 1, 8, 9, 25, 28, 31, 32, 39, 45, 50, 51)

Dwek prior art discloses one or more media content (i.e. song) files downloaded for playback. (see Dwek col. 8, lines 2-7: stream (i.e. download) file; col. 5, lines 21-24: streamed delivery of media (i.e. song) file) ; col. 7, lines 5-9: playlist option (i.e. multiple media content files downloaded)

2. Download one or more media-specific file, which has an association or relationship to media content. (Claims 1, 8, 9, 12, 19, 25, 28, 31, 32, 39, 45, 50, 51, 14, 15, 16, 17, 55, 56, 61, 63)

Dwek prior art discloses at least one media-specific file configured to provide a media associated or relationship to media content user interface (i.e. media player, personalized "skin" capabilities). (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66 - col. 12, line 4: skin capability for media content associated user interface)

3. Initiate a media player (i.e. user interface), which is specifically linked to media content, in multiple configurations (i.e. portion or entire media player). (Claims 1, 12, 19, 28, 31, 39, 50, 51, 55, 56, 61, 63)

Dwek prior art discloses media player (i.e. user interface) initiated when media content file downloaded. (see Dwek col. 6, lines 53-62: media player (i.e. user interface) initiated when media content (i.e. song) file played)

Dwek discloses a media player (i.e. user interface) that operates as an application on a Personal Computer (PC), such that the media player occupies at least a portion of the PC display screen. The media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows) constituting the media player user interface. (see Dwek col. 5, line 63 - col. 6, line 6: multiple panes which can be displayed or hidden via a user click)

4. Download a metafile (i.e. file containing metadata, which is context information about the media content) (Claims 39, 45, 50, 51, 55, 56, 61, 63)

Dwek prior art discloses one or more metafiles (i.e. metadata) downloaded. (see Dwek col. 8, lines 34-40; col. 15, lines 14-18: metadata (i.e. specific information concerning media content) within information user interface pane downloaded with media content ; col. 17, line 64 - col. 18, line 6: specific contextual information (i.e. metadata) related to media content displayed within media player (i.e. user interface))

5. Automatically initiate media player (i.e. user interface) after download of media content file. (Claims 28, 31)

Dwek prior art discloses automatic initiation of media player after selection by user of media content file in search pane and file is downloaded. (see Dwek col. 6, lines 53-62; col. 7, lines 5-9: after user selection (i.e. click) file downloaded and playback initiated)

6. Build and download a concatenated (i.e. composed of multiple files) file from a server to a client. (Claims 25, 32, 45, 50, 51, 56, 61, 66, 68)

Bodin discloses media files processed from a disk storage device utilizing media player (i.e. user interface). Bodin in view of Dwek discloses client and server components capable of collect, organize, and build a set of multiple linked files for concatenation into one downloadable file. Download concatenated file to client for storage. Extract files from concatenated file and placement on disk for media playback. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

**Argument A.2:**

**Claim 8** recites one or more computer-readable media having computer readable instructions thereon which, when executed by a computer, cause the computer to:

- download a file that contains at least one media-specific file configured to provide a user interface, and song files with which the user interface is associated;
- play the song files with a media player; and
- automatically display the user interface When the song files are played with the media player.

**(see Appeal Remarks Page 23)**

**As to Argument A.2:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.3:**

**Claim 9** recites a media player comprising software code that is configured to:

- download a file that contains at least one media-specific file configured to provide a user interface, and media content with which the user interface is associated;
- play the media content; and
- automatically display the user interface on at least a portion of a media player user interface when the media content is played with the media player.

(see Appeal Remarks Page 25)

**As to Argument A.3:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.4:**

**Claim 12** recites a method of organizing media content comprising:

- providing at least one media-specific file that is configured to provide a user interface on at least a portion of a media player;
- providing at least one media content file configured for play on the media player; and
- associating the one media-specific file with the one media content file such that any time the one media content file is played on the media player, the one media-specific file is processed to automatically display the user interface on at least a portion of the media player,
- wherein said associating comprises packaging the one media-specific file and the one media content file in a single downloadable file.

**(see Appeal Remarks Page )**

**As to Argument A.4:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.5:**

**Claim 19** recites a method of organizing media content comprising:

- providing at least one media-specific file that is configured to provide a media player user interface;
- providing at least one media content file configured for play on a media player; and
- associating the one media-specific file with the one media content file such that any time the one media content file is played on the media player, the one media-specific file is processed to automatically display the media player user interface,
- wherein said associating comprises packaging the one media-specific file and the one media content file in a single downloadable file.

**(see Appeal Remarks Page 30)**

**As to Argument A.5:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response. In addition, Applicant argues that the referenced prior art does not disclose that Bodin neither discloses nor suggests "providing multiple different files that define different aspects of a media player user interface" or a "hierarchical tag-based structure" to accomplish an organizing act as recited in this claim. (see Appeal Remarks Page 33)

The Bodin prior art will operate with any types of files including media content, media-specific, media user interface files. The Bodin prior art discloses the capability to concatenate multiple files into a large single file for network transfer. The Bodin prior art discloses media files processed from a disk storage device utilizing media player (i.e.

user interface). The Dwek and Bodin prior art combination discloses client and server components capable to collect, organize, and build a set of multiple linked files for concatenation into one downloadable file. Download concatenated file to client for storage. Extract files from concatenated file and placement on disk for media playback. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

The hierarchical structure for organizing files is the standard file structure utilized to organize files within a computer file system. Within a standard computer system the files within a file system are organized into a tree structure that has parent and child entities and a hierarchical structure.

**Argument A.6:**

**Claim 25** recites method of organizing content for a user experience comprising:

- providing multiple different files that define different aspects of a media player user interface, at least some files being associated with media content and at least some other files being associated with visual content; and
- organizing the files for sending over a network to a client computer, said organizing using a hierarchical tag-based structure to establish a relationship between the files such that when the media content is played by a media player, the visual content is automatically displayed as at least part of the media player user interface.

(see Appeal Remarks Page 33)

**As to Argument A.6:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.7:**

**Claim 28** recites a method or-accessing mesa content comprising:

- displaying a link to media content;
  - responsive to a user clicking on the link, automatically downloading a file that contains at least one media content file and at least one file that is configured to provide at least a portion of a media player user interface that is specific to media content associated with the one media content file;
- \* playing the media content on a media player; and
- responsive to said playing, automatically displaying said portion of the media player user interface.

**(see Appeal Remarks Page 34-35)**

**As to Argument A.7:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response. In addition, Applicant argues the referenced prior art does not disclose, "automatically flipping from a non-media player user interface to a media player user interface". (see Remarks Page 36)

The Dwek prior art discloses a media player (i.e. user interface) that operates as an application on a client device such as a Personal Computer (PC), wherein the media player occupies at least a portion of the PC display screen. The media player (i.e. user interface) consists of multiple panes (i.e. resizable application windows) constituting the media player user interface. (see Dwek col. 5, line 63 - col. 6, line 6: multiple panes, which can be displayed or hidden via a user click) The media player (i.e. user interface) can be configured in multiple configurations (i.e. panes or windows, visible or hidden panes).

**Argument A.8:**

**Claim 31** recites one or more computer-readable media having computer readable instructions thereon which, when executed by a computer, cause the computer to:

- display a link to media content;
- responsive to a user clicking on the link, automatically download a file that contains at least one media content file and at least one file that is configured to provide at least a portion of a media player user interface that is specific to media content associated with the one media content file;
- play the media content on a media player; and
- responsive to playing the media content, automatically display said portion of the media player user interface.

**(see Appeal Remarks Page 37)**

**As to Argument A.8:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response. In addition, Applicant argues, Bodin teaches directly away from a single file by disclosing, "a client/server system capable of downloading multiple separate files on a server to a client machine". (see Remarks Page 37)

Bodin prior art discloses the download of these multiple files as a single downloadable file. However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed.." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). (MPEP 2141.02 VI)

The Bodin prior art does not criticize, discredit, or discourage the usage of a file that is downloaded between network-connected systems. Clearly, the Bodin prior art

discloses the concatenation of more than one file into one downloadable file, which is downloaded between the network-connected systems. The claim limitation discloses a downloaded file, which consists of more than one media-specific file and media content (i.e. at least one file). The file concatenation function is the feature obtained from the Dwek (6,248,946) prior art. The motivation for this prior art combination is relevant. (see Remarks Page 24, Line 22).

The Dwek and Bodin prior art combination enables the capability for a media player user interface to allow the selection of files and the download of one combined file as recited by the Applicant's invention. Even Applicant acknowledges that Bodin discloses that multiple files are downloaded between the network connected systems. (see Remarks Page 24, Lines 14-17) The Bodin prior art does have the properties to download multiple files via a single aggregate file. (see Bodin col. 2, lines 31-39: combined file downloaded and extraction performed at destination)

The Bodin prior art disclose the combination of multiple files into a single file. The Dwek prior art disclose the download of media specific information (media content, media specific file (metadata), media user interface information)

Applicant's principal function of the invention is the combination of multiple media types of files into a single downloadable file for transfer between network-connected systems. The Dwek prior art discloses the media type specific files, and the Dwek and Bodin prior art combination discloses the concatenation of multiple files into a single downloadable file.

**Argument A.9:**

**Claim 32** recites a media delivery mechanism comprising:

- a single file comprising:
  - one or more media content files associated with content that can be played on a media player;
  - one or more content-specific files that can be processed to provide a content-specific user interface associated with content that is played on the media player; and
  - a relationship between the one or more media content files and the one or more content-specific files such that a content-specific user interface is displayed on a computer when the content associated with the one or more media content files is played on the media player.

(see Appeal Remarks Page 38)

**As to Argument A.9:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.10:**

**Claim 39** recites a method of providing a media delivery mechanism comprising:

- providing one or more media-specific files, the files being configured to provide at least a portion of a media player user interface, said portion being associated with specific media that can be played on a media player;
- providing one or more media content files associated with media that can be played on a media player embodying the media player user interface, said media content files comprising the specific media with which the media player user interface portion is associated; and
- defining one or more metafiles that associate the one or more media-specific files with the one or more media content files, the one or more metafiles being configured for processing such that when the media player plays media

associated with a media content file, the media player automatically renders the media player user interface portion;

- associating the one or more media-specific files, the one or more media content files, and the one or more metafiles in a single downloadable file.

(see Appeal Remarks Pages 40-41)

**As to Argument A.10:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response. In addition, Applicant argues that the referenced prior art does not disclose, "uploading the single downloadable file to a Web site". File transfer operation is a standard computer system operation. The term "publish" is not mentioned, but places an uploaded file into a website's list of displayable files. (see Remarks Page 43) Any computer (server or client) can provide this service.

**Argument A.11:**

**Claim 45** recites a method of providing media content over a network comprising:

- receiving input requesting that a file be sent to a client computer, the file comprising:
  - one or more media content files associated with content that can be played on a media player on the client computer,
  - one or more media-specific files that can be processed to provide a content-specific user interface, and
    - one or more metafiles that establish a relationship between the one or more media content files and the one or more media specific files such that a content-specific user interface is displayed when the content is played on the media player; and
- sending the requested file to the client computer.

(see Appeal Remarks Page 43)

**As to Argument A.11:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.12:**

**Claim 50** recites a server computer comprising:

- at least one computer-readable media; and
- computer-readable instructions resident on the computer-readable media which, when executed by the server, cause the server to:
  - maintain multiple files, each file comprising:
    - one or more media content files associated with content that can be played on a media player on the client computer,
    - one or more media-specific files that can be processed to provide a content-specific user interface, and
    - one or more metafiles that establish a relationship between the one or more media content files and the one or more media specific files such that a content-specific user interface is displayed when the content is played on the media player;
  - receive input requesting that one or more of the multiple files be sent to a client computer; and
  - send the one or more requested files to the client computer

**(see Appeal Remarks Page 46)**

**As to Argument A.12:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.13:**

**Claim 51** recites a method for playing media content on a media player comprising:

- receiving a file with a client computer, the file comprising:
  - one or more media content files associated with content that can be rendered on a media player on the client computer,

- at least one media-specific file that can be processed to provide 'a content-specific user interface, and
- at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content-specific user interface is provided when the content associated with the content files is played on the media player;
- playing content associated with the content files on the media player embodied on the client computer; and
- while playing the content on the media player, displaying the content-specific user interface.

**(see Appeal Remarks Page 47)**

**As to Argument A.13:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response. In addition, Applicant argues that Bodin neither discloses nor suggests, "a file with a client computer, the file comprising: one or more media content files". (see Remarks Page 48)

Bodin discloses media files processed from a disk storage device utilizing media player (i.e. user interface). Bodin in view of Dwek discloses client and server components capable of collect, organize, and build a set of multiple linked files for concatenation into one downloadable file. Download concatenated file to client for storage. Extract files from concatenated file and placement on disk for media playback. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combined multiple related data (i.e. media-specific, media content, metafiles) files into a single download event)

**Argument A.14:**

**Claim 55** recites a media player comprising software code that is configured to:

- receive a file with a client computer, the file comprising:
  - one or more media content files associated with content that can be rendered on the media player,
  - at least one media-specific file that can be processed to provide a content-specific user interface, and
  - at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content-specific user interface is provided when the content associated with the content files is played on the media player;
- play content associated with the content files; and
- while playing the content, display the content-specific user interface.

**(see Appeal Remarks Page 49)**

**As to Argument A.14:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.15:**

**Claim 56** recites method for processing media content comprising:

- receiving a file with a client computer, the file comprising:
  - one or more media content files associated with content that can be rendered on a media player on the client computer,
  - at least one media-specific file that can be processed to provide a content-specific user interface, and
- at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content-specific user interface is provided when the content associated with the content files is played on the media player; and
- automatically organizing the received files in one or more directories on a client computer hard drive without any intervention from a user, the files being organized in a manner that permits audio and visual content to be played on a media player without any intervention from the user.

**(see Appeal Remarks Page 51)**

**As to Argument A.15:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response. In addition, Applicant argues, Dwek does not disclose "at least one media-specific file that can be processed to provide a content-specific user interface." (see Remarks Page 51)

The Dwek prior art discloses at least one media-specific file configured to provide media associated with or has a relationship to the media content (i.e. metadata) user interface (i.e. media player, personalized "skin" capabilities). (see Dwek col. 15, lines 5-8; col. 15, lines 14-18: media (i.e. song) specific information (i.e. downloaded); col. 11, line 66- col. 12, line4: skin capability for media content associated user interface) The downloaded information contains media content (i.e. song) and metadata, which is context, information for the media content (i.e. song) information. The limitations for these claims disclose a file downloaded from a server to a client. The storage mechanism for media (i.e. song) information within the server system is as a file (i.e. a media song file). No indication is designated for file download protocol, therefore a streaming format is an analogous and valid format for file download.

And, Applicant argues, Bodin does not disclose, "automatically organizing". (see Remarks Page 52)

The Dwek prior art discloses media (i.e. song) files from a media storage system processed utilizing a media player (i.e. user interface) and media content after media information has been transferred (i.e. downloaded). Bodin in view of Dwek prior art

discloses client and server systems with the capability to collect, organize, and build a set of multiple linked (i.e. associated) files for concatenation into one downloadable file. (see Bodin col. 2, lines 23-26; col. 2, lines 31-39: capability to combine multiple related data (i.e. media-specific, media content, metafiles) files into a single download event) No indication is designated for file download protocol, therefore, a file transfer protocol format is an analogous and valid format for file download. Bodin in view of Dwek prior art discloses the capability to dynamically extract files from the concatenated (i.e. downloaded) file and information placement on local disk for media playback.

**Argument A.16:**

**Claim 61** recites a media player comprising software code configured to cause the media player to:

- receive a file, the file comprising:
  - one or more media content files associated with content that can be rendered on the media player,
  - at least one media-specific file that can be processed to provide a content-specific user interface, and
    - at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content-specific user interface is provided when the content associated with the content files is played on the media player; and
  - automatically organize the received files in one or more directories on a client computer hard drive without any intervention from a user, the files being organized in a manner that permits audio and visual content to be played on the media player without any intervention from the user.

(see Appeal Remarks Page 53)

**As to Argument A.16:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument A.17:**

**Claim 63** recites a method of playing media content comprising:

- receiving a file with a client computer, the file comprising:
  - one or more media content files associated with content that can be played on a media player on the client computer,
  - at least one media-specific file that can be processed to provide a content-specific user interface, and
- at least one metafile that establishes a relationship between the media content files and the media-specific files such that a content-specific user interface is provided when the content associated with the content files is played on the media player; and
- automatically playing content associated with the one or more media content files using a media player embodied on the client computer; and \* while playing said content, automatically displaying the content-specific user interface.

(see Appeal Remarks Page 55)

**As to Argument A.17:**

The arguments are the same as stated in previous arguments. The response to argument is the same as previous response.

**Argument B.1:**

**Claims rejected over Dwek in view of Bodin, Chasen and Van Zoest (see Remarks Pages 57)**

**As to Argument B.1:**

**Applicant arguments are based on the independent claims. These arguments have been addressed in previous responses based on the independent claim.**

**Argument C.1:**

Claims rejected over Dwek in view of Bodin, Chasen and England (see Remarks Page 62)

**As to Argument C.1:**

**Applicant arguments are based on the independent claims. These arguments have been addressed in previous responses based on the independent claim.**

**Conclusion**

The examiner has considered the applicant's remarks concerning the media file consisting of the combination of one or more media specific files into a single combined file and its playback capabilities utilizing a media player.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the set of prior art consisting of Dwek (6,248,946), Chasen (6,760,721), Bodin (6,223,224), England (6,330,670), and van Zoest (6,496,802) prior art discloses the applicant's invention including disclosures in Remarks dated **May 3, 2007**.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kyung H Shin/  
Patent Examiner  
Art Unit 2443

Oct. 5, 2009

Conferees:

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